

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

January 29, 2015

Mark Sanders  
Westpoint Harbor  
1529 Seaport Boulevard  
Redwood City, California 94063

SUBJECT: Plans Not Approved Pursuant to BCDC Permit No. 2002.002.04 and Plan Review Guidance Comments Pursuant to Re-Issued (unsigned) BCDC Permit 2002.002.05 in Response to Materials and Plans Relating to Westpoint Harbor Located in Redwood City, San Mateo County, Hand-delivered to BCDC on December 15, 2014

Dear Mr. Sanders:

We are writing in response to your December 12, 2014 memo and the various materials that accompanied this memo, which included the following:

1. One 11x17 black and white drawing entitled "Westpoint Marina, Redwood City, Ca., Master AS-BUILT Layout (9-30-14)" and prepared by Bellingham Marine; this drawing has some various hand-drawn highlighted areas and check-marks;
2. Two 8.5x11 pages from the BCDC application form (pages 3 and 4) with handwritten information noted;
3. Ten 11x17 color drawings entitled "Westpoint Harbor, 1529 Seaport Boulevard, Redwood City, Phase 2 – Boatyard Buildings, BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers; and
4. Thirteen 24x36 black and white drawings entitled "Westpoint Harbor – Phase 2 Boatyard Buildings, 1529 Seaport Boulevard, Redwood City CA., BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers.

This memo and the accompanying materials were hand-delivered to our office by you on December 15, 2014. You delivered the materials directly to Erik Buehmann of our staff and discussed them briefly in person with him. You pointed out to Mr. Buehmann various project changes that neither Amendment No. Four nor Amendment No. Five currently provide authorization for.

In your memo, you discuss your desire to present these materials to our Design Review Board at either their January or February meeting of this year. Given that you have not signed Amendment No. Five, which would provide authorization for many changes to the project you wish to make, we believe it would be premature to go before the DRB for this supplemental review as Adrienne Klein indicated in her January 14, 2015 email to you.

In reviewing the plans you have submitted and as you noted to Mr. Buehmann on December 15, 2014, we have determined that the plans would not be consistent with either Amendment No. Four or Amendment No. Five.

**Plans Not Approved Pursuant to BCDC Permit No. 2002.002.04.** Upon reviewing the proposed plans pursuant to the authorization and requirements of BCDC Permit No. 2002.002.04, we have determined that the plans are not consistent with the authorization and requirements of the current BCDC permit and are, therefore, **not approved**. There are numerous project features shown on the drawings, including a passenger loading/unloading dock, a rower's dock in a new location, a much larger fuel dock, a new restroom by the boat launch ramp, two bio-retention basins and other items, that are not authorized by this amended version of the permit.

**Plan Review Guidance Comments Pursuant to Re-Issued (unsigned) BCDC Permit 2002.002.05.** Since you have not signed Re-Issued BCDC Permit 2002.002.05 (issued on August 21, 2003, as amended through September 4, 2014), we cannot provide a formal plan approval or plan denial response at this time under this amended version of the permit. As such, this letter will serve as a **plan review guidance** within the context of unsigned Amendment No. Five in order to provide clear direction to you as to what is consistent and what is not consistent with the plans you have submitted as they relate to Amendment No. Five.

It is our hope that the following comments will assist in both finalizing the amendment as well as the plans so that they may be modified to be consistent with one another. Once Amendment No. Five has been finalized and signed, you would then be able to submit revised plans for plan review.

We have developed the following comments upon review of the materials submitted:

1. **BCDC Application Form Pages 3 and 4:** While it is helpful to have the information you have provided on these two pages of our application form providing project and site information, we are uncertain whether your intention was to simply use these application form pages as a means to relay the proposed project details for this Phase 2 of the project or whether your intention was to request a further amendment of the permit. Please clarify your intentions related to this information.
2. **Phase 2 Boatyard Facilities Located on Eastern Side of Marina Basin Differ from Authorization:** From reviewing the drawings submitted in conjunction with both Amendment Nos. Four and Five and also original permit Exhibit A and revised permit Exhibit A1, it appears that there are several changes envisioned for the project elements in the boatyard area. The current authorization (Authorization I.A.Phase2.1.) for this area (permit language is the same for both Amendment Nos. Four and Five) states the following:

“Construct, use, and maintain boatyard facilities that include two haul-out areas, a large-boat straddle lift bay totaling approximately 2,500 square feet and a small boat forklift pier totaling approximately 950 square feet, an approximately 6,000-square-foot rower’s boathouse, an approximately 8,000 square feet of boatyard shops, and approximately 21,000 square feet of dry stack boat storage. All structures will be a maximum height of 30 feet;”

Since there is no labeling on the drawings in relation to the in-water elements, we cannot determine whether the proposed features are consistent with the current authorization or not. The permit does not clearly reference the size of the docks in this area although the docks depicted in Exhibit A appear to be approximately 4,300 square feet in size. From the current drawings, it appears that the currently proposed docks in this area may be close to this same size or slightly larger. Please clarify location and size of the in-water features in this area and request an amendment to the permit if needed in order for the authorization to be consistent with the permit.

The current proposal now depicts two boathouses that would contain both boat storage and shops and together total 18,000 square feet in size. The boathouses would reach a maximum height of 33 feet rather than the 30 feet currently specified in the permit. Since these elements differ from the current authorization, please submit an amendment request in order for the authorization to be consistent with the current proposal.

3. **Fuel Dock Larger than Authorization:** Both Amendment No. Four and unsigned Amendment No. Five of the permit, provide authorization (Authorization I.A.Phase2.2.) for a “500-square-foot fuel dock, including a pump-out facility” although from reviewing the current drawings it appears that the size of the fuel dock is approximately 3,450 square feet in size. To seek authorization for this larger fuel dock, please submit an amendment request in order for the authorization to be consistent with the permit.
4. **Passenger Loading/Unloading Dock Located on Western Side of Marina Basin Entrance Not Authorized:** The 11x17 black and white drawing entitled “Westpoint Marina, Redwood City, Ca., Master AS-BUILT Layout (9-30-14)” and prepared by Bellingham Marine depicts a “passenger loading/unloading” dock and associated gangway along the shore of and within Westpoint Slough on the western side of the marina basin entrance. Neither Amendment No. Four nor unsigned Amendment No. Five of the permit provide authorization for this project feature, which we have not seen proposed previously. To seek authorization for this project feature, please submit an amendment request with further information and description.

5. **Rower's Dock Located on Western Side of Marina Basin Not Authorized:** The 11x17 black and white drawing entitled "Westpoint Marina, Redwood City, Ca., Master AS-BUILT Layout (9-30-14)" and prepared by Bellingham Marine depicts a "rower's dock" on the far western side of the marina basin. We recall that you had intended to accommodate rowing facilities on the eastern side of the basin north of the fuel dock but it appears from this drawing that you may propose to relocate or possibly add to rowing facilities that you have previously envisioned. In any case, neither Amendment No. Four nor unsigned Amendment No. Five of the permit provide authorization for a rower's dock in this location. To seek authorization for a rower's dock in this location, please submit an amendment request with further information and description. Please also explain if you still intend to have additional rowing facilities in other areas of the basin.
6. **Restroom Building Located by Public Boat Launch Ramp Not Authorized:** The drawings indicate a proposed 391-square-foot restroom building to be located just east of the public boat launch ramp. Amendment No. Four provides authorization for "three small buildings, each approximately 500 square feet, containing restroom, shower, and laundry facilities for marina patrons," however, unsigned Amendment No. Five amended this authorization as "one approximately 1,000-square-foot small building containing restroom, shower, and laundry facilities for marina patrons." As neither of these authorizations is consistent with the current proposal, please submit an amendment request to alter the authorization so that it would be consistent with the current proposal. This restroom should be open to the public given its proximity to the public boat launch ramp.
7. **Size of Public Boat Launch Ramp Differs from Authorization:** Both Amendment No. Four and unsigned Amendment No. Five of the permit, provide authorization for a "2,160-square-foot, two-lane public boat launch ramp." The current drawings indicate that this already-constructed ramp is approximately 3,750 square feet in size. Please submit an amendment request to amend the authorization so that it may reflect the correct size of the launch if, in fact, it does exceed the original authorization.
8. **Bio-retention Basins Not Authorized:** The two bio-retention basins depicted on the 24x36 black and white drawings entitled "Westpoint Harbor – Phase 2 Boatyard Buildings, 1529 Seaport Boulevard, Redwood City CA., BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers, have not been shown on previous drawings and are not currently authorized by either Amendment No. Four or unsigned Amendment No. Five of the permit. To seek authorization for these basins, please submit an amendment request with further information and description. Additionally, we have the following questions and comments related to these proposed features:

- a. The drawings note that the basins will be "constructed with material exhibiting 5"-10" per hour of percolation rate." What is the proposed material?
  - b. No planting is indicated within the basins on the drawings. Will the basins be planted in order to enhance the filtration process, improve visual appearance and provide some habitat value?
9. **Fuel Tanks Not Authorized:** The fuel tanks depicted adjacent to the proposed restrooms on the 24x36 black and white drawings entitled "Westpoint Harbor – Phase 2 Boatyard Buildings, 1529 Seaport Boulevard, Redwood City CA., BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers, have not been shown on previous drawings and are not currently authorized by either Amendment No. Four or unsigned Amendment No. Five of the permit. To seek authorization for these fuel tanks, please submit an amendment request with further information and description.
10. **Comments Regarding Bay Path on Eastern Side of Marina Basin:** The 12-foot-wide decomposed granite path shown on the 24x36 black and white drawings entitled "Westpoint Harbor – Phase 2 Boatyard Buildings, 1529 Seaport Boulevard, Redwood City CA., BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers, is shown as the correct width and in the correct location. It is important that a construction detail for the proposed path be submitted for plan review and approval prior to construction, given that the original pathways did not appear to be correctly stabilized. In our September 8, 2011 plan review letter we had noted the following:
- "As we discussed, decomposed granite is an appropriate paving material for the public access paths and also what the DRB preferred, although I am concerned about the stability of the path as it is installed. The surface appears to be inadequately compacted as the top is sloughing a bit in areas. We want to make sure that the path will hold up well over time and also want the path to be accessible to all users including those with physical disabilities. Upon obtaining plan approval for the pathway, please ensure that the path is adequately stabilized to accommodate these concerns."
- It is our desire for these problems to be avoided with the new construction.
11. **Comments Regarding Proposed Trees on Eastern Side of Marina Basin:** Sheets 4 and 5 of the 24x36 black and white drawings entitled "Westpoint Harbor – Phase 2 Boatyard Buildings, 1529 Seaport Boulevard, Redwood City CA., BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers depict a line of proposed trees along the path bordering the eastern side of the basin and the path along Westpoint Slough to the north. The proposed trees alternate between poplars (*Populus* sp.) and water gums (*Tristaniaopsis laurina*). As we have communicated in the past, the trees along the path bordering the eastern side of the basin should be placed on the inland side of the in order to maintain open views to the basin. Additionally as



we have communicated in the past (December 22, 2012 email and attachments sent to Silvia Roberston and Kevin Stephens), the trees bordering the path along Westpoint Slough should be removed due to wildlife concerns. Prior to this email communication in 2012, we had also communicated these same concerns via a September 22, 2011 email to you, Maureen O'Connor, Michael Smiley and Valerie Conant that stated the following:

"The line of Poplars and Monterey Cypress that have been planted along the shoreline edge at the channel were not envisioned in the DRB drawing submittals and present a problem for wildlife living in the refuge. These trees will serve as a perch for raptors that can then prey upon listed species such as clapper rail, western snowy plover and salt marsh harvest mouse living on Greco Island. The biologist for the refuge, Cheryl Strong, explained these issues to me. The landscape should closely follow the DRB submittals and, as such, these trees should be either removed or potentially moved to another location on the site where they will not present this problem such as within the future building footprints for later removal."

Additionally, we noted that the species you are now proposing for the Phase 2 area do not match the other tree species that you have already planted in other locations at the site and we are curious why you are proposing different species for this location. Please provide an explanation for why these particular species are proposed.

As further background on this topic, in our September 8, 2011 plan review letter we noted the following regarding tree selection and placement that had already occurred on the western portion of the site at that time:

"As we talked about in the field, the drawings prepared for the Design Review Board (Exhibit 8 for the August 7, 2006 DRB meeting) did not show any trees directly adjacent to the shoreline nor did they indicate any trees in the triangular point area adjacent to Pacific Shores. You have planted a number of trees in a line along the shoreline and along the perimeter of the point.

The trees were held back from the shoreline in the DRB landscape plans in order to maintain a visual openness to the water from the public access paths. The trees were also held back from the point due to concern for raptors that might prey upon wildlife in the refuge across the slough.

You have planted Monterey Cypress (*Cupressus macrocarpa*) and Cajeput (*Melaleuca quinquenervia*) trees around the site and these tree choices were on the DRB plan, although not in the locations where you planted them. You have also planted a number of Weeping Willow (*Salix babylonica*) and Brisbane Box (*Tristania conferta*), although these tree types were not included on the DRB plan nor were there trees shown in the locations where these were planted.

Although the Cypress and Cajeput trees would not naturally occur within this landscape, they have a more open nature and their aesthetic blends well within this environment. The Weeping Willow and Brisbane Box trees fit less well in this setting. Their vegetation is bulkier and will block wind as you desire, but will also block views."

Please revise your proposed trees for this Phase 2 area according to these comments.

12. **Comments Regarding Public Access Diagram:** Sheet 3 of the ten 11x17 color drawings entitled "Westpoint Harbor, 1529 Seaport Boulevard, Redwood City, Phase 2 – Boatyard Buildings, BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers is entitled "Public Access Plan" and depicts "Existing Bay Trail, Proposed Bay Trail, Shoreline Band and BCDC Public Parking" as identified in a legend. We observed several items in this diagram that require correction.

The diagram does not show the correct triangular configuration of paths at the northern portion of the site on the western side of the marina basin entrance. The north-south leg of the pathways in this area is missing. The pathway that is required in the southeastern portion of the site just south of the boat trailer parking is also not shown.

The purple color denoting "BCDC Public Parking" in the legend does not seem to appear on the diagram. Please revise the diagram to address these comments.

13. **Comments Regarding Proposed Site Fixtures and Furnishings:** Sheet 4 of the ten 11x17 color drawings entitled "Westpoint Harbor, 1529 Seaport Boulevard, Redwood City, Phase 2 – Boatyard Buildings, BCDC Design Review Submittal, December 15, 2014" and prepared by DES Architects + Engineers is entitled "Site Fixtures and Furnishings" and depicts images of proposed benches, fencing and lighting. What is shown matches what was presented to the Design Review Board in 2006 and all looks very appropriate for use at the site. As you develop your plans further, please depict the proposed location of these fixtures and furnishings on the plans.
14. **Fewer Boat Slips Shown than Authorization Allows:** Both Amendment No. Four and unsigned Amendment No. Five of the permit, provide authorization for a total of 416 boat slips. Upon review of the 11x17 black and white drawing entitled "Westpoint Marina, Redwood City, Ca., Master AS-BUILT Layout (9-30-14)" and prepared by Bellingham Marine, it appears that approximately 330 slips are shown within the same approximate footprint of the docks and associated boat slips that are shown on the permit exhibits. It is our assumption that the size of the boat slips have become larger than what was originally envisioned, and this is the reason that there are fewer total slips that cover approximately the same area. Please confirm the total number of boat slips you wish to provide and also whether this drawing depicts the all of the boat slips that are planned. If the number of boat slips will vary substantially from the authorization, we recommend amending the permit to be consistent with the current proposal.

Mark Sanders  
January 29, 2015  
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If you have any questions, please don't hesitate to contact me by phone at (415) 352-3643  
or by email at [ellenm@bcdca.gov](mailto:ellenm@bcdca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Miramontes", with a long horizontal flourish extending to the right.

ELLEN MIRAMONTES  
Bay Design Analyst

EM/gg

cc: Tom Gilman, President, DES Architects + Engineers  
Dawn Jenkins, Senior Associate, DES Architects + Engineers  
Douglas B. Aikins, Attorney at Law